

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>SHAWN HAMPTON,</b>	:	<b>CIVIL NO. 1:15-CV-898</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>JOHN E. WETZEL, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 21st day of March, 2016, upon consideration of defendants' motions (Docs. 16, 19) to dismiss, and for the reasons set forth in the court's memorandum of the same date, it is hereby ORDERED that:

1. The partial motion (Doc. 19) to dismiss filed by the Commonwealth defendants is GRANTED in part and DENIED in part, as follows:
  - a. The claims set forth in the complaint with respect to defendants Tim Miller, William Williams, Scott Ellensberg, Christopher Moore, and James Pringle are DISMISSED in their entirety.
  - b. The Clerk of Court is directed to TERMINATE defendants Tim Miller, William Williams, Scott Ellensberg, Christopher Moore, and James Pringle as parties to this action.
  - c. The claims set forth in the complaint with respect to defendants Deborah Young, Ryan Eby, John Wetzel, and Steven Glunt are DISMISSED, except the claim related to the incident in the law library at SCI-Rockview on July 15, 2014.

2. The motion (Doc. 16) to dismiss filed by defendants Bernard and Koltay is GRANTED in part and DENIED in part, as follows:
  - a. The Eighth Amendment claim against defendants Bernard and Koltay regarding the failure to order Excedrin is DISMISSED.
  - b. The Eighth Amendment claim against defendants Bernard and Koltay regarding the change of asthma inhalers is DISMISSED.
  - c. The motion to dismiss the Eighth Amendment claim against defendants Bernard and Koltay regarding the discontinuation of pain medication is DENIED.
  - d. The Fourteenth Amendment Equal Protection claim against defendants Bernard and Koltay is DISMISSED
  - e. The First Amendment Retaliation claim against defendants Bernard and Koltay is DISMISSED.
3. Plaintiff shall SHOW CAUSE within twenty (20) days of the date of this order why defendant John/Jane Doe, Chief Hearing Examiner of the DOC should not be DISMISSED from this action pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, as this individual has not been identified or served within 120 days of the date on which he/she was named as a defendant in this case. See FED. R. CIV. P. 4(m). Failure to respond shall result in the dismissal of this defendant.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania